SCOTTISH STATUTORY INSTRUMENTS

2009 No. 367

ROAD TRAFFIC

The A78 Trunk Road (Inverkip Street, Greenock) (Prohibition of Waiting, Prohibition of Loading/Unloading and Prohibition of Specified Turns) Order 2009

Made	*23rd October 2009*
Coming into force	*2nd November 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1), 2(1) and 2(2) of the Road Traffic Regulation Act 1984(**a**) and of all other powers enabling them to do so.

They have complied with Part II of the Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1987(**b**).

Citation and Commencement

1. This Order may be cited as the A78 Trunk Road (Inverkip Street, Greenock) (Prohibition of Waiting, Prohibition of Loading/Unloading and Prohibition of Specified Turns) Order 2009 and comes force on 2nd November 2009.

Interpretation

2. In this Order the following expressions have the meanings hereby assigned to them:-

"Council" means Inverclyde Council;

"disabled person's badge" has the meaning given in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(**c**);

"public service vehicle" has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(**d**);

(a)1984 c.27; sections 1 and 2 were amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraphs 17 and 18 respectively. Section 1 was further amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 36(1) and by the Transport (Scotland) Act 2001 (asp 2), Schedule 2, paragraph 3. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c.27) (inserted by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 70 and amended by the Scotland Act 1998 (Consequential Modifications) Order 2001 (S.I. 2001/1400)) as read with section 151(1) of the Roads (Scotland) Act 1984 (c.54). The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b)S.I. 1987/2244.

(c)S.S.I. 2000/59, which was amended by the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2000 (S.S.I. 2000/170), Regulation 3 and the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2002 (S.S.I. 2002/451), Regulation 2.

(d)1981 c.14; sections 1(3) and 1(5) have been repealed in part by the Transport Act 1985 (c.67), Schedule 8.

"taxi" has the meaning given in section 23(1) of the Civic Government (Scotland) Act 1982**(a)**;

Prohibition of use of vehicles

3. Subject to Articles 5, 6 and 7, no person shall use, or permit the use of, any vehicle to wait, load or unload at any time on any of the lengths of road specified in Part 1 of the Schedule.

4. Subject to Articles 5, 6 and 7, no person shall use, or cause or permit the use of, any vehicle on the length of road specified in Part 2 of the Schedule so as to make any turns specified in Part 3 of the Schedule.

Permission or Direction of Police Constable

5. No provision of this Order shall apply to anything done with the permission or upon the direction of a police constable in uniform.

Exemption for certain purposes

6. Nothing in Articles 3 and 4 shall:-

(a) prevent any person from causing or permitting any vehicle to wait on any of the lengths of road specified in Part 1 of the Schedule provided that no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded or unloaded from the vehicle:-

(i) for as long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;

(ii) for as long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to, or the laying, erection, alteration or repair in or near to any of the lengths of road, of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984(**b**);

(iii) to enable the vehicle, if it cannot conveniently be used for such purposes on any other road, to be used in pursuance of statutory powers and duties and in particular, but not without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes;

(iv) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;

(a)1982 c.45.

(b)1984 c.12. The Advanced Television Services Regulations 1996 (S.I. 1996/3151), Regulation 8 modified the application of the Telecommunications Act 1984.

(v) if the vehicle is in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent thereto are being unloaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;

(vi) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository; or

(vii) to enable the vehicle to be used in connection with funeral operations.

(b) apply to a licensed taxi waiting in a taxi stance during any period for which that stance has been designated by the Council under section 19 of the Civic Government (Scotland) Act 1982(**a**).

(c) so as to prevent a public service vehicle providing a local service as defined in section 2 of the Transport Act 1985(**b**), from stopping on the road for the purpose of taking up and setting down passengers.

(d) apply to any vehicle which is not causing an obstruction and which displays a disabled person's badge as prescribed by Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(**c**) waiting on the length of road specified in Part 1 of the Schedule.

Exemption for emergency vehicles

7. No provision of this Order shall apply to a vehicle while being used in an emergency for fire brigade, coastguard, ambulance or police purposes.

G EDMOND
A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
GLASGOW
G4 0HF
23rd October 2009

(a)1982 c.45.
(b)1985 c.67.
(c)S.S.I. 2000/59; the meaning of "disabled person's badge" in Regulation 2 thereof was amended for the purpose of Regulation 12 by S.S.I. 2000/170, Regulation 3 and S.S.I. 2002/451, Regulation 2

SCHEDULE

In this Schedule:-

"the plan" means the plan numbered **S8-SW-0401-005** and entitled "The A78 Trunk Road (Inverkip Street, Greenock) (Prohibition of Waiting, Prohibition of Loading/Unloading and Prohibition of Specified Turns) Order 2009" signed with reference to this Order and deposited at the offices of Transport Scotland, Trunk Roads Network Management Directorate, 58 Port Dundas Road, Glasgow, G4 0HF.

Article 3

PART 1

NO WAITING AND NO LOADING/UNLOADING AT ANY TIME

1. On the following length of the south side of the A78 Greenock - Prestwick Trunk Road in Greenock:

(a) From a point 27 metres or thereby west of the extended west kerbline of Buccleugh Street, Greenock westwards to its junction with Sir Michael Street, Greenock, a distance of 100 metres or thereby, from point 1 to point 2 on the plan.

(b) From the intersection point of the south kerbline of the Kilblain Street Roundabout, Greenock and the extended west kerbline of Sir Michael Street, Greenock, westwards to its junction with East Shaw Street, Greenock, a distance of 130 metres or thereby, from point 3 to point 4 on the plan.

(c) From a point on East Shaw Street, Greenock 20 metres or thereby south of the extended south kerbline of Inverkip Street, Greenock, at its junction with East Shaw Street, Greenock, to a point westwards along Inverkip Street, Greenock, a distance of 141 metres or thereby, from point 5 to point 6 on the plan.

(d) From a point 18 metres or thereby east of the extended east kerbline of Bruce Street, Greenock, westwards for a distance of 18 metres or thereby to its junction with Bruce Street, Greenock, from point 7 to point 8 on the plan.

(e) From the extended west kerbline of Bruce Street, Greenock, westwards to its junction with Roxburgh Street, Greenock, a distance of 106 metres or thereby, from point 9 to point 10 on the plan.

(f) From the intersection point of the extended south kerbline of Inverkip Street, Greenock, and the west kerbline of Roxburgh Street, Greenock, westwards to its junction with Orangefield Lane, Greenock, a distance of 143 metres or thereby, from point 11 to point 12 on the plan.

2. On the following lengths of the north side of the A78 Greenock - Prestwick Trunk Road in Greenock:

(a) From the intersection point of the nearside kerbline of the South Street Roundabout, Greenock, and the southern kerbline of Nelson Street, Greenock, eastwards along Inverkip Street, Greenock, a distance of 101 metres or thereby, from point 13 to point 14 on the plan.

(b) From a point 43 metres or thereby west of the extended west kerbline of Newton Street, Greenock, on the northern kerbline of Inverkip Street, Greenock, eastwards to its junction with Newton Street, Greenock, a distance of 43 metres or thereby, from point 15 to point 16 on the plan.

(c) From the intersection point of the northern kerbline of Inverkip Street, Greenock, and the extended east kerbline of Newton Street, Greenock, eastwards for a distance of 131 metres or thereby, from point 17 to point 18 on the plan.

(d) From a point 40 metres or thereby east of the extended east kerbline of Bruce Street, Greenock, eastwards to its junction with West Shaw Street, Greenock, for a distance of 118 metres or thereby, from point 19 to point 20 on the plan.

(e) From the intersection point of the south kerbline of the West Shaw Street Roundabout, Greenock, and the extended eastern kerbline of West Shaw Street, Greenock, eastwards for a distance of 138 metres or thereby to its junction with Kilblain Street, Greenock, from point 21 to point 22 on the plan.

(f) From a point on Kilblain Street, Greenock, 3 metres or thereby north of the extended north kerbline of High Street, Greenock, at its junction with Kilblain Street, Greenock, eastwards on the northern kerbline of High Street, Greenock, for a distance of 64 metres or thereby, from point 23 to point 24 on the plan.

(g) From a point 18 metres or thereby east of the extended west kerbline of West Stewart Street, Greenock, at its junction with West Stewart Street, Greenock, eastwards on the northern kerbline of High Street, Greenock, for a distance of 11 metres or thereby, from point 25 to point 26 on the plan.

PART 2

PROHIBITION OF SPECIFIED TURNS

That length of the A78 Greenock - Prestwick Trunk Road from its junction with Buccleugh Street, Greenock, in a westerly direction to South Street Roundabout, Greenock, a distance of 725 metres or thereby.

PART 3

1. All right turns from the eastbound carriageway of the A78 Greenock - Prestwick Trunk Road onto the southbound carriageway of Bruce Street, Greenock.

2. All right turns from the carriageway of Roxburgh Street, Greenock, onto the eastbound carriageway of Inverkip Street, Greenock.